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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,068	03/16/2001	Shigeru Hayakawa	000400-819	4710

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EXAMINER

HO, THOMAS Y

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 09/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/809,068

Applicant(s)

HAYAKAWA ET AL.

Examiner

Thomas Y Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-16, and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Cetnar (USPN6102453).

As to claim 1, Cetnar discloses a vehicle door lock comprising:

- A latch mechanism adapted to a vehicle door and latching the vehicle door to a vehicle body.
- An open link (110) engageable and disengageable with the latch mechanism (col.7, ln.1-12; col.10, ln.25-40).
- A swing lever (162, 168, 170, 172, 194) connected to the open link (110). The swing lever encompasses the five parts recited above. The swing lever (194) is in contact with the open link (110) in an analogous relationship to lever (172) and link (76).
- An electric driving source (144, 174) having a gear member (148).
- A rotary gear member (152, 182) arranged between the swing lever (194) and the electric driving source (144, 174) to be meshed with the gear member (36) of the

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electric driving source (144, 174), the rotary gear member (152, 182) being directly and engagably connected to the swing lever (162).

As to claim 2, Cetnar discloses a vehicle door lock wherein:

- The open link (110) is arranged in the same plane as the swing lever (194).

As to claims 3 and 6, Cetnar disclose a vehicle door lock further comprising:

- A housing (12) accommodating the open link (110), the swing lever (162, 168, 170, 172, 194), the electric driving source (144, 174) and the rotary gear member (152, 182) so that the swing lever (162, 168, 170, 172, 194) and the rotary gear member are rotatably supported in the housing (12).

As to claims 4 and 7-9, Cetnar discloses a vehicle door lock further comprising:

- An opening lever (96) perpendicularly arranged relative to the open link (110) and rotatably supporting the open link (110). The opening lever (96) has an abutment part supporting the open link (110) through another lever (104).
- An inside lever (68, 76) arranged in parallel with the open link (110) and being engageable with the open link (110). Both levers are engageable owing to the fact that they are connected by the same pin (70).

As to claims 5 and 10-16, Cetnar discloses a vehicle door lock further comprising:

- A concave portion formed in the swing lever (162, 168, 170, 172, 194). The swing lever has a plurality of apertures defining multiple concave portions.
- A pin (160) formed in the rotary gear member (152, 182,) and extending into the concave portion so that the pin (160) engages the concave portion by the rotation of

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the rotary gear member. Actuation of the rotary gear member puts pin (160) into engagement with the bottom concave surface in the aperture on the swing lever (162).

As to claim 18, Cetnar discloses a vehicle door lock comprising:

- A rotatable latch (38) including a latch groove for receiving a striker (18) of a vehicle body.
- A rotatable pawl (50) adapted to contact the latch (38) to prevent rotations of the latch (38), including a unitarily rotatable element (56) that rotates unitarily with the pawl (50).
- An open link (110) adapted to contact the unitarily rotatable element (56) to rotate the unitarily rotatable element (56) and the pawl (50) so that the pawl (50) is moved out of contact with the latch (38).
- A swing lever (162, 168, 170, 172, 194) connected to the open link (110).
- An electric driving source (144, 174) having a gear member (148).
- A rotary gear member (152, 182) arranged between the swing lever (194) and the electric driving source (144, 174) and in meshing engagement with the gear member (148) of the electric driving source (144, 174).
- The rotary gear member (152, 182) being directly connected to the swing lever (162).

As to claim 19, Cetnar discloses a vehicle door lock wherein:

- The unitarily rotatable element (56) includes a lifting lever mounted on a shaft (54) that is integrally formed with a main body of the pawl (50).

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As to claim 20, Cetnar discloses a vehicle door lock wherein:

- The lifting lever includes an engaging portion (58) contacted by an engaging portion of the open link (110).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cetnar (USPN6102453) in view of Konchan (USPN5348357).

As to claim 17, Cetnar discloses a vehicle door lock wherein:

- The housing (12) comprises a plurality of concave portions.
- The swing lever (162, 168, 170, 172, 194) including a projecting portion extending through the concave portions. Shaft (170) of the swing lever projects through a concave surface defined by an aperture.

Cetnar fails to disclose or suggest the following limitations:

- The swing lever includes a projecting portion selectively engageable with the concave portions.

Konchan discloses a vehicle closure latch wherein a projection (56) on a lever (42) engages a concave portion defined by shoulder (58) on the housing (20) to prevent overtravel of the lever (42). It would have been obvious to one of ordinary skill in the art at the time the

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invention was made to modify the swing lever disclosed by Cetnar to have a projecting surface to contact a portion of the housing, as taught by Konchan, to prevent overtravel/overrotation of the lever.

Response to Arguments


Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y. Ho whose email address is thomas.ho@uspto.gov and telephone number is (703) 305-4556. The examiner can normally be reached on M-F 9:30AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-3366.

TYH
August 29, 2002


ROBERT J. SANDY
PRIMARY EXAMINER